

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CONNIE Y. MAYS,
Plaintiff,

vs.

VETERAN CANTEEN SERVICE, et al.,
Defendants.

Case No. 1:17-cv-808
Barrett, J.
Litkovitz, M.J.

REPORT AND
RECOMMENDATION

This matter is before the Court on plaintiff's motion to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a)(1) in connection with a civil action. (Doc. 1). Plaintiff's declaration states that she is employed and earns \$2,475.20 per month and that her spouse is employed and earns \$4,000.00 per month. Plaintiff's declaration also states that she has \$3,000.00 in cash on hand or money in a savings, checking, or other account. The Court is unable to conclude from plaintiff's declaration that her household income is insufficient to provide herself and her family with the necessities of life and still have sufficient funds to pay the full filing fee of \$400.00 in order to institute this action. *See Adkins v. E.I. DuPont De Nemours & Co., Inc.*, 335 U.S. 331, 339 (1948). Therefore, plaintiff's motion to proceed *in forma pauperis* should be denied.

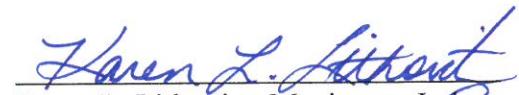
IT IS THEREFORE RECOMMENDED THAT plaintiff's motion to proceed *in forma pauperis* be **DENIED**.

If this Report and Recommendation is adopted, it is further **RECOMMENDED** that plaintiff be granted an extension of time of thirty (30) days from the date of any Order adopting the Report and Recommendation to pay the required \$400.00 filing fee. Plaintiff should be advised that her complaint will not be deemed "filed" until the appropriate filing fee is paid, *see Truitt v. County of Wayne*, 148 F.3d 644, 648 (6th Cir. 1998), and if plaintiff fails to pay the filing fee

within this time limit this matter will be closed on the docket of the Court.

IT IS SO RECOMMENDED.

Date: 12/8/17


Karen L. Litkovitz, Magistrate Judge
United States District Court

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NOTICE TO THE PARTIES REGARDING THE FILING OF OBJECTIONS TO R&R

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).